

**REMARKS**

In the Final Office Action, the Examiner rejected claims 1, 3, 6-10, 12-14, 16, 17, 19, and 23 under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent No. 7,043,477 to Mercer et al. ("*Mercer*"), U.S. Published Patent Application No. 2002/0031071 to Han et al. ("*Han*"), and U.S. Published Patent Application No. 2002/0103796 to Hartley et al. ("*Hartley*"); rejected claims 18 and 20 under 35 U.S.C. § 103(a) as being unpatentable over *Mercer*, *Han*, *Hartley* and U.S. Published Patent Application No. 2003/0236582 to Zamir et al. ("*Zamir*"); and rejected claims 21 and 22 under 35 U.S.C. § 103(a) as being unpatentable over *Mercer*, *Han*, *Hartley*, and U.S. Patent No. 6,707,768 to Shilling et al. ("*Shilling*"). In the Advisory Action mailed April 7, 2009, the Examiner entered the Applicants' amendments filed March 11, 2009, and maintained the grounds of rejection.

By this amendment, Applicants amend claims 1, 8-10, 14, and 23, and cancel claims 7 and 12. Claims 1, 3, 6, 8-10, 13, 14, and 16-23 are pending.

Applicants respectfully traverse the rejection of claims 1, 3, 6-10, 12-14, 16, 17, 19, and 23 under 35 U.S.C. § 103(a) as being unpatentable over *Mercer*, *Han*, and *Hartley*. Because claims 7 and 12 are cancelled, the rejection of these claims is moot.

Claim 1 recites an audio playback apparatus, including "music file group selection means for randomly selecting a music file group," "means for randomly selecting a next music file group," and "playback means for randomly reproducing the music files included in the selected music file group before reproducing music files included in the next music file group." Combinations of *Mercer*, *Han*, and *Hartley* do not teach or suggest the claimed "playback means."

*Mercer* discloses a playlist that contains songs by various artists. *Mercer*, col. 5, lines 22-29. A user may shuffle the songs within the playlist at a group level. *Mercer*, col. 5, line 33. For example, a user may “playback . . . all songs by a random artist before proceeding to the next random artist.” *Mercer*, col. 5, lines 33-35 (emphasis added).

However, *Mercer* does not teach or suggest “randomly reproducing” the songs of the random artist that are played back. Instead, *Mercer* only discloses choosing the random artist, and playing all songs of the random artist. *Mercer*, col. 5, lines 33-35. Thus, *Mercer* does not teach or suggest “playback means for randomly reproducing the music files included in the selected music file group before reproducing music files included in the next music file group,” as recited by claim 1 (emphasis added).

*Han* and *Hartley* fail to cure the deficiencies of *Mercer* by also failing to teach or suggest the claimed “playback means.” Thus, *Mercer*, *Han*, and *Hartley* fail to teach or suggest claim 1.

Independent claims 8, 9, 10, 14, and 23, while of different scope than claim 1, distinguish over *Mercer*, *Han*, and *Hartley* for reasons similar to claim 1. Claims 3, 6, 13, 16, 17, and 19 distinguish over *Mercer*, *Han*, and *Hartley* at least due to their dependence from one of the independent claims.

Applicants respectfully traverse the rejection of claims 18 and 20 under 35 U.S.C. § 103(a) as being unpatentable over *Mercer*, *Han*, *Hartley* and *Zamir*, and the rejection of claims 21 and 22 under 35 U.S.C. § 103(a) as being unpatentable over *Mercer*, *Han*, *Hartley*, and *Shilling*.

Claims 18 and 20-22 depend from one of independent claims 1 and 10, and include all recitations therein. As discussed, *Mercer, Han, and Hartley* do not teach or suggest the independent claims.

*Zamir* and *Shilling* fail to cure the deficiencies of *Mercer, Han, and Hartley* by also failing to teach or suggest the claimed "playback means" of claim 1, and similar recitations of claim 10. Therefore, combinations of *Mercer, Han, Hartley, Zamir, and Shilling* fail to teach or suggest any of claims 18 and 20-22.

In view of the foregoing, Applicants respectfully request reconsideration of this application and the timely allowance of the pending claims.

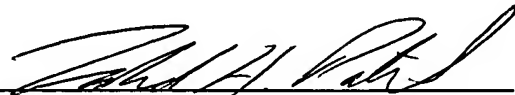
Please grant any extensions of time required to enter this response and charge any additional required fees to our deposit account 06-0916.

Respectfully submitted,

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By: \_\_\_\_\_



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